

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TIMOTHY KLINK,	§	
Individually and On Behalf of All	§	
Others Similarly Situated,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 4:19-CV-1583
	§	
vs.	§	
	§	
CENIKOR FOUNDATION,	§	
	§	
Defendant.	§	

PLAINTIFF’S MOTION FOR A STATUS HEARING

Plaintiffs in the consolidated cases against Cenikor request that this Court set a status hearing at which a scheduling order will be entered.¹ In support of this motion, Plaintiffs state that on February 9, 2024, the Fifth Circuit Court Appeals determined that this Court “applied the incorrect legal standard in assessing employee status and did not engage directly with the offset defense as required prior to certifying a collective” action under the Fair Labor Standards Act. *Klick v. Cenikor Found.*, 94 F.4th 362, 373-74 (5th Cir. 2024). As a result, the Fifth Circuit remanded this case for “consideration consistent with this opinion.” *Id.* at 374.

Plaintiffs request that a status hearing be scheduled no earlier than the week of October 7, 2024, and that the Parties be ordered to submit a proposed joint scheduling plan seven (7) days prior to the scheduled status hearing.

¹ The cases consolidated with the *Klick* litigation are: *Sorey v. Cenikor Foundation*, Case No. 4:19-cv-03033 (S.D. Tex.) (Ellison, J.), formerly Case No. 3:19-cv-00267 (M.D. La.) (the “*Sorey Case*”); *Aleem v. Cenikor Foundation, Inc.*, Case No. 4:19-cv-03032 (S.D. Tex.) (Ellison, J.), formerly Case No. 3:19-cv-00268 (M.D. La.) (the “*Aleem Case*”); *Potter v. Cenikor Foundation, Inc. et al.*, Case No. 4:19-cv-03031 (S.D. Tex.) (Ellison, J.), formerly Case No. 3:19-cv-00294 (M.D. La.) (the “*Potter Case*”); and *Woods v. Cenikor Foundation*, Case No. 4:19-cv-04569 (S.D. Tex.) (Lake, J.).

/s/Douglas M. Werman

Respectfully submitted,

Josh Borsellino
State Bar No. 24045532
BORSELLINO, P.C.
Office Address:
1020 Macon St., Suite 15
Fort Worth, Texas 76102
Mailing Address:
3267 Bee Cave Rd., Ste. 107, Box # 201
Austin, TX 78746
Telephone: (817) 908-9861
Facsimile: (817) 394-2412
Email: josh@dfwcounsel.com

Douglas M. Werman (dberman@flsalaw.com)
Admitted *Pro Hac Vice*
WERMAN SALAS P.C.
77 West Washington, Suite 1402
Chicago, Illinois 60602
Tel: (312) 419-1008
Fax: (312) 419-1025

**ATTORNEYS FOR PLAINTIFFS AND
OTHERS SIMILARLY SITUATED**

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing on all counsel of record through the ECF filing system of the Southern District of Texas on September 17, 2024.

/s/ Douglas M. Werman